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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,954	11/21/2001	Paul V. Morinville	IBIG1100-2	4408

25094 7590 01/05/2004

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,954

Applicant(s)

MORINVILLE, PAUL V.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

SAM RIMELL
PRIMARY EXAMINER

Art Unit: 2175

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4: The phrase "which obtain for the business process" is unclear since it is not understood what is supposed to be obtained.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Vora et al. (U.S. Patent 6,539,379).

Claim 1: FIG. 3C of Vora et al. discloses a hierarchical organizational chart. The organizational chart has a first position, such as "Robert, Hughes, VP of Engineering" (3124) and a second position, such as "John Smith, President and CEO" which is above "Robert Hughes" on the chart. Each entry in the organizational chart is associated with a data record on the employee which occupies that position, such as illustrated in FIG. 1B. FIG. 5J illustrates a searching template which will search the data records associated with the organizational chart, in order to identify specific roles, such as who works in the engineering department (See FIG. 5L).

Art Unit: 2175

Searching through the records and locating the record for each position reads as the step of “identifying” that position. Thus, if the data records for “John Smith” and “Robert Hughes” are searched and located, those positions are “identified”.

Steps C through E of claim 1 are optionally recited, and thus are not limiting of the claim since these steps may not necessarily be performed. However, even if they were positively recited, they are each taught by Vora et al.

If one were to use the search template of FIG. 5J and search for the term “Robert Hughes”, the search would return the data record for “Robert Hughes” and the search would subsequently terminate. If one were to use the search term “Engineering”, such as in the example of FIG. 5L, every data record in the organization would be searched, including those which are below the “President” in the organizational chart, and repeated until all of the data records for “Engineering” are located.

Claim 2: Positions which are located (identified) during the search query are associated with business processes. For example, the “VP of Engineering” is associated with the business processes of managing an engineering department.

Claim 3: Entering search queries in the template of FIG. 5J is the step of identifying selected roles. For example, when a user performs a search query for employees associated with the engineering functions (FIG. 5L), the user is identifying “engineering” as the selected role.

Claim 4: Item 164 in FIG. 5J illustrates an approval matrix. The approval matrix is the menu having the selections “Corporate”, “Engineering”, “Manufacturing”, “Marketing” and “Sales”. One of the entries in this matrix may be selected to perform a search query.

Claim 5: By applicant's definition in the disclosure, a "trip point" is pre-defined data indicating that a condition is met. Thus, in Vora et al., each one of entries in the matrix (available selections 164 in FIG. 5J) is a trip point, and selecting one of those entries is the action of triggering a trip point.

Claim 6: As seen in FIG. 5L, the role of "Engineering" is not unique to a single employee, and will involve multiple employees.

Claim 7: As seen in FIG. 5L, a selected role, such as "Engineering" can be associated with multiple unique positions, such as "V.P. Eng." "QA Manager" or "training associate".

Claim 8: A search of records for the term "Engineering" will involve searching the records of individuals who are below the second position ("President and CEO") in the organizational hierarchy. The "predetermined pattern" is the step of only searching for the term "Engineering" in the data records. However, any action of traversing data in a database reads as searching a "predetermined pattern", given that the pattern itself is not defined.

Claim 9: FIG. 3C illustrates a hierarchical organizational structure, which is a series of employee names arranged in a hierarchical organization. The roles associated with each name are also arranged in a hierarchy. Thus, FIG. 3C shows "John Smith" hierarchically above "Lou Reed" in the organizational hierarchy. FIG. 3C also shows the role of "President and CEO" hierarchically above the role of "CIO".

Claim 10-12: The hierarchical structure of FIG. 3C can be read as all three of the types of hierarchies defined in claims 10-12. It is functional role structure since the functions of each position can be ascertained. For example, Robert Hughes functions as the head of the engineering department. It is a superiority role structure since certain employees are superior to

Art Unit: 2175

others. For example, John Smith is superior to Robert Hughes. It is a “legal role” structure in that the hierarchy establishes who is employed by the overall organization. It is noted that the specification does not define what a “legal role structure” actually is, so this term is subject to interpretation.

Claim 13-15: FIG. 3C illustrates a hierarchy of jobs and a hierarchy of titles. FIG. 3E illustrates a subset of grades for certain titles. For example, the title of “Sales Manager” is associated with different grades, such as “Sales Manager of Japan”, “Sales Manager of Europe” etc.

Claim 16: FIG. 3E illustrates EEO classifications (employees such as John Jackson and Dave Gray are managers. The employee Robert Yates is a skilled professional).

Claim 17: FIGS. 3C and 3E illustrate job classifications.

Claim 18: The template of FIG. 5J permits the searching for any one of a wide variety of roles, such as managers for a particular employee, projects, skills, and job titles.

Claims 19-20: The search template of FIG. 5J can be used to perform a search for a first role, and then subsequently used to perform a search for a second role. A search for two different roles can be concurrently performed, such as when a user enters search criteria for both “skills” and “job title” at the same time and performs a query using both criteria.

Claim 21: FIG. 3C illustrates an organizational structure having a plurality of unique positions. A member of the organization (such as John Smith or Lou Reed) is associated with each position. The positions are arranged in a hierarchical structure. Each of the positions has a role (such as VP of manufacturing or VP of marketing). As seen from FIG. 3C, the organization performs business functions (such as manufacturing, marketing, sales and engineering. Each

Art Unit: 2175

individual has access rights to business processes. For example, Jane Paully and Jane Paully's subordinates have access to the business process of marketing by virtue of their association with the marketing department in the hierarchy.

Claims 22-23: See remarks for claims 10-12.

Claim 24: FIG. 5J illustrates an approval matrix at item 164. The approval matrix is the five selections "Corporate", "Engineering", "Manufacturing", "Marketing" and "Sales". Each one of the entries in the approval matrix is a "trip point". Meeting one the trip points means selecting one of the roles for conducting a query. The selection corresponds to the selection of a role, since each of "Corporate", "Engineering", Manufacturing", "Marketing" and "Sales" is a role. FIG. 5L identifies each position associated with the selected role. For example, for the role of "Engineering", the position of "QA engineer" is identified as being associated with that role. Contacting the individual in that role by e-mail, using the e-mail links provided in FIG. 5L reads as the step of obtaining approval. Note that the claim does not specify exactly what an approval is, or what is being approved.

Claim 25: See remarks for claim 1.

Remarks

Applicant's arguments have been considered.

Rejection of claims 4-5 under 35 USC 112: Applicant argues that claim 4 is clear since the term "obtain" exists in a dictionary, the claim is definite. While examiner agrees that the term does exist in a dictionary, this does not mean that the term makes sense in the context of a sentence. In particular, claim 4 does not make clear exactly what is being obtained. While it is

Art Unit: 2175

understood that something is being obtained, what is actually being obtained is totally unknown.

Hence, the claim is found to be indefinite. Claim 5 depends on claim 4.

Claims 1 and 25: Applicant argues that Vora et al. does not identify first and second positions in the organizational structure. However, Examiner maintains that by performing a search using the template and locating these positions through the search, those positions become identified. Applicant also argues that steps c-e are not optional, but rather, are “conditional”. Regardless of whether these steps are described as “conditional” or “optional” it is clear that these steps are not mandatory to the claimed invention. In other words, each step is not necessarily practiced in the claimed invention. Thus, it is possible to practice the claimed invention without actually performing these recited steps. Hence, the Examiner concludes that these steps do not further limit the invention. Furthermore, even if they were decided as limiting the invention, Examiner maintains that Vora et al. meets these steps. A more detailed rationale as for why these steps would be met is provided in the explanation associated with claim 1.

Claim 2: Applicant argues that Vora et al. does not disclose a position initiating a business process. Examiner maintains that each position in the hierarchy initiates some business process. For example, the VP of Engineering initiates the business process of engineering. A sales manager initiates the business process of sales, etc.

Claim 3: See remarks for claim 1 regarding the identification step.

Claim 4: Applicant has amended claim 4 to change the phrase “approval matrix” to “authorization matrix”. Examiner maintains that these terms appear to mean the same thing. At FIG. 5J, item 164, Vora et al. discloses a matrix of positions readable as the “approval matrix” or “authorization matrix”. It is noted that this authorization matrix also meets applicant’s own

Art Unit: 2175

description of this matrix as being a “means for defining the roles participating in a particular business process”. The matrix (164) allows roles to be selected by the user, and thus defined.

Claim 5: Applicant argues that Vora et al. lacks trip points. Examiner maintains that each one of the entries in the matrix (164) is a trip point. Applicant defines a trip point as a “condition which can affect the approvers/participants which are identified for a business process.” The by this definition, each entry in the matrix (164) exactly defines a “trip point” since a selection of one or more of the entries in the matrix will directly affect which employees are identified in the search results.

Claim 6-7: Applicant argues that the function of engineering is not definable as a “role”. However, in the broadest sense, “engineering” is a direct function that a company performs, and is thus readable as a role. Applicant goes on to define a role as a “a subset or specialization of roles which are superior to it”. In the case of Vora et al., “engineering” is a subset of the overall set of functions that the company performs.

Claim 8: Applicant argues that Vora et al. does not disclose the step of searching “in a predetermined pattern”. Examiner maintains that the term “predetermined pattern” is so broad as to read on any traversing of data in a database.

Claim 9: Applicant argues that Vora et al. lacks a distinct hierarchical organizational structure and hierarchical role structure. Examiner maintains that FIG. 3C discloses this exact feature. First, FIG. 3C discloses a hierarchical organization. For example, John Smith is above Jane Pauly in the hierarchical organization. FIG. 3C also discloses a distinct hierarchy of roles. For example, the role of president is higher on the hierarchy than the VP of marketing. Examiner maintains that each of the features of claim 9 are met in FIG. 3C of Vora et al.

Claims 10-12, 22-23 and 13-17: Examiner maintains that each of the role structure shown in FIG. 3B are readable on the features of these claims. Examiner provides examples and reasoning for why each of these limitations are met. Applicant does not address in detail these specific explanations, and only relies on a recitation in paragraphs 50-53 of the specification. However, finds that the interpretations made for these claims are consistent with those defined in the specification. For example, claim 10 calls for a superiority role structure where “superiority” refers to the title associated with an employee. FIG. 3C attributes titles to the various employees that exactly meet this definition.

Claims 18-20: Applicant argues that the search template of FIG. 5J does not permit concurrently searching for first and second roles. Examiner maintains that Vora et al. allows for concurrent searching of a wide variety of roles, such as managers for an employee and skills of an employee, which can be searched simultaneously.

Claim 21: Applicant argues that the hierarchy in FIG. 3C does not allow for access rights to information. Examiner maintains that this feature is clearly suggested in Vora et al. For example, the VP of marketing will inherently have access to marketing information and the VP of sales has access to sales information. It would illogical, if not altogether impossible, to assume that the organization does not allow the department leaders to have access to information in their own department.


Claim 24: See remarks regarding approval matrices as set forth in discussion of claim 4 above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2175

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
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Art Unit 2175